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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,924	12/19/2001	Francis Emmerson	367.40944X00	8863

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EXAMINER

CAPRON, AARON J

ART UNIT PAPER NUMBER

3714

DATE MAILED: 10/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/020,924	Applicant(s) EMMERSON ET AL.	
	Examiner Aaron J. Capron	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a response to the Amendment received on August 14, 2003, in which claims 1, 7 and 9 were amended. Claims 1-16 are pending.

Specification

The amended specification has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are

AJC
~~Claim ***~~ rejected under 35 U.S.C. 103(a) as being unpatentable over LaDue (U.S. Patent

[^]
No. 5,999,808) in view of Final Fantasy VIII.

Referring to claim 1, LaDue discloses a method of modifying game content of a mobile phone (Figure 1B, item 100), the game content comprising gaming parameters (bet and team information or game type), the method comprising sending one or more gaming parameters from the mobile phone to a server (4:25-31), at the server applying data to the one or more selected gaming parameters to provide a modified parameter set in which one or more of the parameters is modified (4:32-5:11), sending the modified parameter set to the mobile phone and modifying the games content using the modified parameter set (abstract, 6:66-7:30 and 11:4-8). While LaDue discloses that any type of game can be used (13:28-34), but does not disclose having the data being training data. However, Final Fantasy VIII discloses fighting enemy creatures in order to obtain experience points, wherein the experience points allow the player's characters to

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level up and advance their capabilities within the game (Page 14 and Page 19 “Battle Completion”). One would be motivated to combine the references in order to attract players that prefer to play fantasy games, such as Final Fantasy, since role playing games use experience points to advance a character. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the training data of Final Fantasy VIII into the games of LaDue in order to attract players who prefer to only play role playing video games.

Referring to claim 2, LaDue discloses training data comprises an algorithm (CDMA technology).

Referring to claims 3-5, LaDue in view of Final Fantasy VIII disclose the player can alter the characters or team within the game (Final Fantasy VIII, page 5, under “Leaving the Garden” when Quistis joins your team).

Referring to claim 6, LaDue discloses the sending of gaming parameters and modified gaming parameters are by wireless transmission of signals.

Claims 7-8 correspond in scope to a method and a client-server system set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.

Claims 9-12 correspond in scope to a gaming device set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above. Each of the mobile devices having an identifier (20:54-56).

Referring to claim 13, LaDue discloses that the gaming parameters and the modified gaming parameters are transmitted by signals through wired networks (Figure 1B).

Claims 14-16 correspond in scope to a computer program product on a terminal/server and a method set forth for use of the method listed in claims above and are encompassed by use as set forth in the rejection above.

Response to Arguments

Applicants' arguments filed August 14, 2003 have been fully considered but they are not persuasive.

Applicants argue that LaDue does not disclose modification of gaming parameters and their used to play games. However, LaDue provides the player the ability to select a menu item (game parameter) from a screen (4:25-31), the menu items including wagering information, team information and/or type of game (11:4-14). This information is sent to the MSC and MCMS (server) where the information is altered and processed and sent back to the CCAD (4:32-5:11). LaDue further discloses using identifiers and the CCAD storing data (17:40-52). The claimed invention is not so limiting as to exclude the transfer of information as defined by LaDue. Therefore, the claimed invention fails to preclude the device of LaDue.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Madden 2000 discloses the ability to alter teams and trade players.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to be 'MS', is written above the printed name.

MARK SAGER
PRIMARY EXAMINER

ajc